

THE LEGAL REGULATION OF CLIMATE CHANGE IN UKRAINE: ISSUES AND PROSPECTS

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ABSTRACT

When the climate change is one of the most urgent, complex and challenging global problems of the present, threatening global economy and international security, it has to be primarily regulated domestically, at the level of a State. The present article aims to examine the current state of legal regulation of the climate change issues in Ukraine. Accordingly, the critical analyses of the national legislation on climate change regulation and whether it corresponds with the State policy's strategic aims are conducted; the provisions of strategic documents on climate change adaptation and mitigation in Ukraine are examined and the evaluation of such regulatory mechanism's efficiency and effectiveness is performed. As a result, the author points out the drawbacks of national policy and law encompassing the climate change and offers a set of suggestions for its improvement.

Keywords: Climate change; State policy; State climate policy; UNFCCC; Association Agreement; European Green Deal

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1. INTRODUCTION

When climate change is one of the most urgent, complex and challenging global problems of the present it has to be primarily regulated locally, at the level of a State. This is due to the fact that climate change poses immediate threat to national security of the country and wellbeing of its citizens, such as increase in natural disasters, threat to food security, water shortage, economic losses, etc., and thus it is the local governance that has to respond promptly. Additionally, Article 16 of the Constitution of Ukraine proclaims that ensuring environmental safety and maintaining ecological balance in the territory of Ukraine is the responsibility of the State.¹

Ukraine has already faced climate-driven changes in various spheres and sectors. Increased incidence of strong floods in the last 20 years has affected nearly one-third of the population, especially in the Carpathian Mountains and its foothills. Droughts now occur on average once every three years, causing a 35-trillion-litre deficit of water for Ukraine. The situation can be considered critical, as for the first time in 120 years, Ukraine may need to restrict its citizens' constitutional water use rights.²

As a result of climate change analysis in some regions of Ukraine it was found that, over the past decade, thermal mode, moisture, wind frequency, etc. have changed significantly, leading to the increased number of wildfire cases. Extreme weather events also inflict significant damage on energy infrastructure, like a severe windstorm in July 2019 damaged power lines in Ukraine and left around 600 towns and settlements temporarily without electricity. The vulnerability of the population, which is largely urban (69.4% in 2020), is magnified by infrastructure deficiencies such as an aging and fragile housing stock and limited potable water supply. In addition, since 2014, economic shocks and the humanitarian crisis in the eastern region have diverted resources from climate adaptation strategy and planning.³

According to the data published by the Ministry of Environmental Protection and Natural Resources of Ukraine⁴, the average annual temperature in Ukraine has increased by more than 2° C since the beginning of the 20th century, including 1.2° C increase over the past 30 years⁵. Additionally, it has been evaluated that over a 20-year time period (up to

¹ Constitution of Ukraine (1996) <<https://zakon.rada.gov.ua/laws/show/254к/96-бп#Text>> accessed 25 March 2021.

² 'The Risk of Water Shortage and Implications for Ukraine's Security' (*Jamestown*, 2021) <<https://jamestown.org/program/the-risk-of-water-shortage-and-implications-for-ukraines-security/>> accessed 1 April 2021.

³ USAID, 'Climate Change Risk Profile Ukraine: Fact Sheet' (2016) <https://www.climatechange.org/sites/default/files/asset/document/2016_USAID_Climate%20Change%20Risk%20Profile_Ukraine.pdf> accessed 26 March 2021.

⁴ Ministry of Environmental Protection and Natural Resources of Ukraine is a central executive authority which operates in the field of environmental protection.

⁵ MENR, 'Yak Zminyuyet'sya Klimat V Ukrayini' (*Menr.gov.ua*, 2020) <<https://menr.gov.ua/news/35246.html>> accessed 8 April 2021.

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2040), the climatic changes in Ukraine will lead to the mid-rise of the average temperature at the boundaries of 0.8 - 1.1° C, in comparison with the current period. In the future, until the end of the century, only in case of a significant reduction in the anthropogenic impact on the climate system, the temperature regime will remain within the limits of natural variability, i.e., it will stay at the current achieved indicators. In case of moderate and excessive anthropogenic impact, the average annual temperature on the climate system will continue to rise, and by the middle of the century its increase will be 1.5 - 2.0°C, and at the end will be 2.0 - 4.3°C.⁶ This is predicted to lead to the following negative consequences: increase in economic losses and the number of people suffering from extreme weather events (impact on health and productivity, reduced yields and deterioration of air quality, increasing risk of forest fires), significant water shortage due to the reduction of water resources, which is exacerbated by the increase in water use (including for irrigation, energy, industry, housing and communal services), increased number of natural disasters, loss of biodiversity, threat to food security (reduced yields, lack of food or significant rise in price), the need to overcome natural disasters associated with hydrometeorological conditions and fires, forests degradation and loss of ecosystems and biodiversity, and loss of territories due to flooding of coastal areas⁷.

Meanwhile, currently in Ukraine there is no legal framework on climate change, which shall determine the legal and organizational bases for mitigating climate change and adapting to its impacts.

In the light of the stated above considerations, the present article is aimed to examine the current state of legal regulation of climate change issues in Ukraine. Accordingly, the underlying tasks are: to carry out the critical analysis of the national legislation concerning climate change regulation and whether it corresponds with the State policy strategic aims; to analyse the provisions of approved strategic documents on climate change adaptation and mitigation in Ukraine; to evaluate how efficient and effective such regulatory mechanism is; to find and illuminate the current legislative and State policy's gaps; and formulate theoretical and practical suggestions for their further improvement and development.

⁶ S Ivanyuta and others, 'Zmina Klimatu: Naslidky ta Zakhody Adaptatsiyi: Analit. Dopovid' (National Institute for Strategic Studies 2020) <https://niss.gov.ua/sites/default/files/2020-10/dop-climate-final-5_sait.pdf> accessed 8 April 2021.

⁷ Law of Ukraine 'On the Basic Principles (Strategy) of the State Environmental Policy of Ukraine for the period up to 2030' (2019) <<https://zakon.rada.gov.ua/laws/show/2697-19>> accessed 25 March 2021.

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2. LEGAL REGULATION OF CLIMATE CHANGE ISSUES IN UKRAINE

The discussion on the legal protection of climate arose in the middle of the twentieth century, accompanied by research activities of scientists and jurists to study the climate system, its variability, sensitivity, external and internal factors. In the recent decade, there have been theoretical debates on climate law, whether it has already been formed as a new field of law. Dernbach and Kakade stated that 'climate change law is a new and rapidly developing area of law'⁸; Peel defined climate change law as a distinctive body of legal principles and rules.⁹ Meanwhile, other scholars expressed doubts about 'the feasibility of addressing climate law as a new field of law'¹⁰, or that 'it is a discrete body of law with its own sources, methods of law-making, and principles, or that it is a self-contained regime'¹¹. Turning to the legal doctrine of Ukraine, it substantiates the need to develop legal measures to protect the climate within a completely new area of policy and law, while underlining that it requires further scientific and theoretical justification.¹²

Summing up all the aforementioned, it is worth highlighting that the urgency of combating climate change and its impacts was declared by the international community in 2015 with the adoption of the 2030 Agenda for Sustainable Development by all United Nations Member States (the Sustainable Development Goal No. 13).¹³ Thus, from author's point of view, it is obvious that the legal protection of climate has already become the objective reality of the law.

However, currently in Ukraine there is no legal framework on climate change, which shall determine the legal and organizational bases for mitigating climate change and adapting to its impacts. Climate change is mainly considered in the context of international climate change obligations of Ukraine.

⁸ John C Dernbach and Seema Kakade, 'Climate Change Law: An Introduction' (2008) 29 Energy Law Journal <<http://johndernbach.com/wp-content/uploads/2013/08/DernbachKakade-ClimateChangeLawIntro2008.pdf>> accessed 21 April 2021.

⁹ Jacqueline Peel, 'Climate Change Law: The Emergence of a New Legal Discipline' (2008) 32 Melbourne University Law Review 922.

¹⁰ Daniel Bodansky, Jutta Brunnée and Lavanya Rajamani, *International Climate Change Law* (Oxford University Press 2017).

¹¹ J Ruhl and James E Salzman, 'Climate Change Meets the Law of The Horse' [2012] SSRN Electronic Journal <<https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=3376&context=dlj>> accessed 19 April 2021.

¹² Hanna Anisimova, 'Pravove Zabezpechennya Okhorony Atmosferneho Povitrya, Ozonovoho Sharu ta Klimatu' in AP Getman and others (eds), *Pravova okhorona dovkillia: suchasnyy stan ta perspektyvy rozvytku: monohrafiya* (Pravo 2014).

¹³ UN General Assembly 'Transforming our world: the 2030 Agenda for Sustainable Development' (21 October 2015) A/RES/70/1 <<https://www.refworld.org/docid/57b6e3e44.html>> accessed 26 March 2021.

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Additionally, climate is not defined as an object of legal regulation, neither by environmental law nor any other area of national law. This is a significant legislative drawback that introduces imbalance and ambiguity in defining such concepts as climate change, climate change mitigation, etc., which complements the legislative inability to develop effective measures to address climate-related issues.

It is noteworthy that Ukrainian jurists in the field of environmental law have repeatedly underlined that climate should be determined as an object of legal regulation along with the so-called 'classical objects' of environmental law. According to Malysheva, overcoming anthropocentrism in the regulation of environmental safety should also become an important reserve for the ecological and legal development of Ukraine in the future. New technologies, the latest social phenomena and climate change affect the subject of regulation of environmental law and is designed to ensure its development more widely.¹⁴ Krasnova also notes that a number of environmental objects of environmental law is expanding, in particular, by including (*inter alia*, with ratification of acts of international environmental law) to them such objects as climate, ozone layer, biodiversity, ecological network, etc.¹⁵

In this context, it is important to pay attention to the Climate Programme of Ukraine, which was one of the first legal documents to be developed and approved (back in 1997) in response to recognizing the problem of anthropogenic climate change and as part of the World Climate Programme.¹⁶ The document referred to the climate as one of the main natural resources upon which living conditions, human activities, directions and level of economic development depend. It was also stated that climate is one of the main factors shaping the natural environment, and even minor changes of it, along with overall poor environmental conditions in Ukraine, can cause significant socio-economic damage in case no measures for their prevention are taken. However, no official definition of climate change was introduced neither in the Climate Programme of Ukraine, nor in any other documents that were adopted later.

Moreover, there is no formed and unified approach to understanding the nature and characteristics of climate as an object of environmental protection even in the legal doctrine of Ukraine. In most of the sources, the term "climate" is characterized through the prism of the institution of general (climatic conditions) or special (climatic resources) nature. The climatic

¹⁴ Nataliya Malysheva, 'Novi horizonty ekolohichnoho prava', *Modern tendencies and prospects of development of agrarian, land and environmental law* (Publishing Center of NULES of Ukraine, Kiev, 22–23 May 2015)

¹⁵ Mariia Krasnova, 'Stan ta Perspektyvy Rozvytku Vchennya pro Ob'yekty Ekolohichnoho Prava: Naukovo-Metodolohichni Aspekty' (2013) 2 Bulletin of Taras Shevchenko National University of Kyiv. Legal Studies 8

¹⁶ Resolution of the Verkhovna Rada of Ukraine No 650 'On Climate Programme of Ukraine' (1997) <<https://zakon.rada.gov.ua/laws/show/757-14#Text>> accessed 26 March 2021.

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resource is also referred to the legal category of "intangible natural resources" along with ambient air, airspace, wind energy, solar radiation, radio frequency resource, etc. They are defined as natural resources of a special kind and legal regulations for their protection and / or use are mainly in the process of their formation. Thus, climate is currently considered within the framework of environmental law of Ukraine as a part of legal protection of ambient air and the ozone layer.

Meanwhile, the basis of legal regulation of climate change in Ukraine has been mainly formed as a response to international climate change obligations. Such obligations are posed by the ratification of the following international documents: United Nations Framework Convention on Climate Change, 1992 (hereinafter UNFCCC)¹⁷, the Kyoto Protocol, 1997¹⁸, Paris Agreement, 2015¹⁹ and Association Agreement between the European Union and Ukraine, 2014²⁰. To ensure the implementation of these international treaties, a number of legislative and regulatory documents have been developed and approved.

From one point of view, this is quite logical, as the legal protection of climate as an international universal object is the subject of international cooperation. Ukraine has identified the issues of climate change as the priority of the State's environmental policy. In particular, by signing and ratifying the UNFCCC, Ukraine has committed to protect the climate system for the benefit of the present and future generations, as well as to fulfill individual obligations as a Party to the Convention. Thus, as an Annex I Party²¹, Ukraine has committed to adopt and implement policies and measures aimed at mitigation of climate change by limiting its anthropogenic emissions of greenhouse gas emissions (hereinafter GHG) and protecting and enhancing its greenhouse gas free sinks and reservoirs, taking into consideration the real socio-economic conditions of the country. As Annex B Party to the Kyoto Protocol²², Ukraine had an obligatory target until 2020 to reduce its GHG emissions levels by 20% below 1990 levels.

Furthermore, Ukraine was one of the first European countries to ratify the Paris Agreement²³, a legally binding international treaty on climate

¹⁷ Law of Ukraine 'On Ratification of the UN Framework Convention on Climate Change' (1996) <<https://zakon.rada.gov.ua/laws/show/435/96-bp#Text>> accessed 26 March 2021.

¹⁸ Law of Ukraine 'On the Ratification of the Kyoto Protocol to the United Nations Framework Convention on Climate Change' (2004)
<<https://zakon.rada.gov.ua/laws/show/1469-19#Text>> accessed 26 March 2021.

¹⁹ Law of Ukraine 'On the Ratification of the Paris Agreement' (1996)
<https://zakon.rada.gov.ua/laws/show/995_801> accessed 26 March 2021.

²⁰ Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part (29 May 2014) OJ L 161.

²¹ United Nations Framework Convention on Climate Change (1992) 1771 UNTS 107, 165.

²² Kyoto Protocol to the United Nations Framework Convention on Climate Change (1998) 37 ILM 22.

²³ Paris Agreement aims to strengthen the global response to the threat of climate change by keeping a global temperature rise this century well below 2 degrees Celsius above pre-industrial levels and to pursue efforts to limit the temperature increase even further to 1.5

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change, which requires Ukraine (as a Party to the Agreement) to take measures for reducing impact on the climate, e.g., by cutting greenhouse gas (hereinafter GHG) emissions and adapting to the already existing impacts of climate change. Therefore, Ukraine has committed to its obligations under the Paris Agreement with first Intended Nationally Determined Contribution (first NDC), which sets a GHG emission target not to exceed 60% of 1990 GHG levels in 2030.²⁴

However, it is quite questionable that the formation of legal regulation of climate change issues solely through the implementation of international obligations can be effective without adopting a framework legal act of national law. The primary development of strategic documents (mainly aimed at meeting international obligations) within the climate state policy of Ukraine, which is not supported by a framework act of national legislation, is declarative in nature and looks a lot like political promises rather than an effective system of binding legal measures.

This statement is substantiated by the fact that despite all the efforts to reduce overall national GHG emissions through its policies and measures, Ukraine has failed to meet international commitments a number of times. In particular, in 2010 Ukraine failed to establish an initial report demonstrating compliance of its national systems with the procedures under the Kyoto Protocol.²⁵ In 2016, Ukraine failed to establish a true-up period report demonstrating compliance with the Kyoto Protocol, and apart from violating it was found that Ukraine did not retire sufficient units to cover its total GHG emissions as required under the Kyoto Protocol (not in formal compliance with Article of the Kyoto Protocol).²⁶ Additionally, recent poor performance of Ukraine in reaching its commitment under the Paris Agreement, which is rated as 'Critically insufficient' (as from 30 July 2020)²⁷, demonstrates that current policy trends lead to ineffective, inconsistent and not systematic formation of the legal regulation of climate change.

degrees Celsius. Conference of the Parties, Adoption of the Paris Agreement (2015) UN Doc FCCC/CP/2015/L9/Rev/1.

²⁴ NDC Registry, 'Party: Ukraine' ([Www4.unfccc.int](http://www4.unfccc.int), 2016) <<https://www4.unfccc.int/sites/NDCStaging/pages/Party.aspx?party=UKR>> accessed 11 April 2021.

²⁵ The Compliance Committee of the Kyoto Protocol, 'Non-Compliance Procedure of Ukraine under the Kyoto Protocol - Climate Change Litigation' (*Climate Change Litigation*, 2010) <<http://climatecasechart.com/climate-change-litigation/non-us-case/non-compliance-procedure-of-ukraine-under-the-kyoto-protocol/>> accessed 11 May 2021.

²⁶ The Compliance Committee of the Kyoto Protocol, 'Non-Compliance Procedure of Ukraine under the Kyoto Protocol II - Climate Change Litigation' (*Climate Change Litigation*, 2016) <<http://climatecasechart.com/climate-change-litigation/non-us-case/non-compliance-procedure-of-ukraine-under-the-kyoto-protocol-ii/>> accessed 11 April 2021.

²⁷ Climate Action Tracker 'Ukraine | CAT' ([Climateactiontracker.org](http://climateactiontracker.org), 2020) <<https://climateactiontracker.org/countries/ukraine/>> accessed 12 April 2021.

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To sum up, it is reasonable to mention the statement of K. Prokhorenko that climate is a new, special object of environmental law, which meets the vital, natural environmental rights, interests and needs of the subjects, and, thereby, is subject to comprehensive protection aimed at preventing deterioration of climate balance systems.²⁸

Thus, defining the climate as a special object of law is theoretically and scientifically substantiated. This should be primarily done within environmental law of Ukraine, e.g., by introducing the definition into existing legislative acts. In particular, Article 5 of the Law of Ukraine 'On Environmental Protection'²⁹ should be amended to include the climate into the list of objects of environmental protection. Also, a special article should be developed on the protection of the climate, as well as prevention and mitigation of the negative effects of climate change. Additionally, the provisions of the sectoral Law of Ukraine 'On Air Protection'³⁰ should be complemented with the definition of climate, the content of its protection, and the list of basic measures to protect the environment from adverse effects of climate change. These amendments should be considered as a first stage of formation of a domestic legal framework on climate change. This will create the legal basis for developing and adopting a framework legal act (e.g., climate law) in the sphere of climate change, which shall be aimed at introducing legal measures to achieve net zero greenhouse gas emissions, protect the natural environment and Ukrainian citizens from the adverse impacts of climate change.

Overall, the legal protection of climate as a natural object should involve the development and implementation of a set of measures aimed at mitigating climate change and ensuring adaptation to it, which is reflected in the relevant areas of legal regulation: reduction of anthropogenic greenhouse gas emissions, review of existing scientific and legislative approaches to standardization in this area, rational use, protection and reproduction of the quality of natural absorbers of greenhouse gases, like forests, lands, soils, vegetation, etc., and ensuring the adaptation of ecological systems and humans to the adverse impacts of climate change.

Consequently, the development of fully-fledged environmental legislation to ensure the efficient and effective legal protection of climate is of fundamental importance for Ukraine. The priority tasks are: to identify contradictions and fill gaps in the current environmental legislation, e.g., by defining climate as an object of legal protection; to improve existing national

²⁸ Kateryna Prokhorenko, 'Climate as an Object of Legal Environmental Protection in Ukraine' (PhD thesis, Taras Shevchenko National University of Kyiv 2013).

²⁹ Law of Ukraine 'On Environmental Protection' is a framework domestic law in the field of environmental protection (amended as of 01 January 2021)
<<http://zakon0.rada.gov.ua/laws/show/1264-12>> accessed 25 March 2021.

³⁰ Law of Ukraine 'On Air Protection' determines legal and organizational basis and ecological requirements in the field of protection of ambient air (amended as of 20 September 2019) <<https://zakon.rada.gov.ua/laws/show/2707-12#Text>> accessed 25 March 2021.

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legislation on international commitments and obligations of Ukraine under international climate change framework; to develop and adopt a framework legal act (e.g. Climate Law of Ukraine) in the sphere of climate change, which shall be aimed at developing legal measures to achieve net zero greenhouse gas emissions, protect the natural environment and Ukrainian citizens from the adverse impacts of climate change.

3. ADDRESSING CLIMATE CHANGE ISSUES WITHIN STATE POLICY OF UKRAINE

Currently, climate change regulatory provisions in Ukraine are mainly based on the provisions of strategic documents. Noteworthy, following the specifics and scope of issues covered, it is suggested that climate state policy of Ukraine is conditionally divided into two areas: mitigating climate change (e.g., by reducing greenhouse gas emissions) and adapting to climate change impacts.

The fundamental strategic documents are the Strategy of the State Environmental Policy of Ukraine for the period up to 2030³¹ and the Concept on State Climate Policy Implementation till 2030³².

The Strategy of the State Environmental Policy of Ukraine for the period up to 2030 (hereinafter Environmental Strategy), is the fundamental document that defines the national priorities in the field of environmental protection. The Strategy points out that to improve the quality of the atmospheric air and to strengthen its response to the effects of climate change and to achieve the goals of sustainable low-carbon development in all sectors of the economy, Ukraine must ensure that ratified international instruments on climate change and the quality of the atmosphere are fulfilled.³³

In general, the Strategy is aimed at the energy saving and energy efficiency, increasing the production of clean energy, introducing the best available low-carbon, resource-saving production technologies, as well as modern building technologies for heat and energy saving, which will significantly reduce the emissions of greenhouse gases and pollutants into the atmospheric air as well as the discharge of pollutants into water bodies.

It should be noted that the Strategy, as a fundamental policy act on environmental issues, is expected to define the national priorities in the sphere of climate change. Thus, it looks reasonable that it is the Strategy that must be the reference point for further development and legislative support for combating climate change on the national level. However, the Strategy

³¹ Law of Ukraine ‘On the Basic Principles (Strategy) of the State Environmental Policy of Ukraine for the Period up to 2030’ (2019) (Environmental Strategy 2019)
<<https://zakon.rada.gov.ua/laws/show/2697-19>> accessed 25 March 2021.

³² Approved on 7 December 2016 by Resolution of the Cabinet of Ministers of Ukraine ‘On approval of the Concept on State Climate Policy Implementation till 2030’ (2016)
<<https://zakon.rada.gov.ua/laws/show/932-2016-p#Text>> accessed 27 March 2021.

³³ Environmental Strategy 2030.

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does not consider climate change as a separate sphere of environmental policy, addressing it within the framework of legal protection of atmospheric air and mainly in the context of fulfilling international obligations. This is seen as a definite drawback, which results in underestimation of climate change issues on the national level, shifts strategic priorities and inhibits the development and adoption of the framework legislation in the sphere of climate change.

The Concept on State Climate Policy Implementation till 2030 (hereinafter Climate Policy Concept)³⁴ is the first national strategic document aimed at combating climate change by defining the grounds to develop legislation, strategies and action plans for various areas of State policy in this area. Its aim is stated as improving State policy on climate change in order to achieve sustainable development, create legal and institutional preconditions for a gradual transition to low-carbon development in terms of economic, energy and environmental security and improve the welfare of citizens. Its main areas cover the following: strengthening the institutional capacity for development and implementation of State policy on climate change; prevention of climate change by reducing anthropogenic emissions and increasing greenhouse gas absorption to ensure gradual transition to low-carbon development of the country; adapting to climate change, increasing the resilience and reducing the risks linked to climate change.

It is noteworthy that the Climate Policy Concept establishes the basis for the development of draft regulations, strategies and other documents required for the implementation of various components of state policy in the sphere of climate change. Thus, number of planning and strategic instruments have been adopted, e.g., the Action Plan on the Execution of the Concept of Implementation of State Climate Change Policy until 2030 (hereinafter the Action Plan)³⁵, Low Emission Development Strategy (hereinafter LEDS 2050)³⁶, Energy Strategy of Ukraine until 2035 (hereinafter ESU 2035)³⁷, etc.

The Action Plan contains 49 measures aimed at preventing and adapting to climate change. Such measures include taking into account the factor of increasing the frequency and intensity of dangerous and natural hydrometeorological phenomena due to climate change in Ukraine in the process of managing the risks of man-made and natural emergencies,

³⁴ Climate Policy Concept 2016.

³⁵ Approved on 6 December 2017 by Resolution of the Cabinet of Ministers of Ukraine ‘Action Plan on the Execution of the Concept of Implementation of State Climate Change Policy until 2030’ (2017) (Action Plan 2017) <<https://zakon.rada.gov.ua/laws/show/878-2017-p#Text>> accessed 27 March 2021.

³⁶ Approved on 18 July 2018 by Protocol Decision of the Cabinet of Ministers of Ukraine ‘Ukraine 2050 Low Emission Development Strategy’ (2018) (LEDS 2018) <https://mepr.gov.ua/files/docs/Proekt/LEDS_ua_last.pdf> accessed 27 March 2021.

³⁷ Approved on 18 September 2017 by Resolution of the Cabinet of Ministers of Ukraine ‘Energy Strategy of Ukraine until 2035 “Safety, Energy Efficiency, Competitiveness”’ (2017) <<https://zakon.rada.gov.ua/laws/show/605-2017-p#n2>> accessed 27 March 2021.

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developing and approving a plan of measures to adapt to climate change, implementation of pilot projects for the development and implementation of local plans for adaptation to climate change at the regional level, as well as cities, towns and villages.³⁸

A special attention should be given to the LEDS 2050, which was developed and approved by the decision of the Interdepartmental Commission for Enforcement of the UN Framework Convention on Climate Change, according to which Ukraine will make efforts to achieve by 2050 the level of 31-34% of greenhouse gas emissions compared to 1990³⁹. It should be noted that LEDS determines national stakeholders' agreed vision on decoupling further economic and social growth and its social development from the growth in greenhouse gases emissions. Thus, on the one hand, LEDS is based upon the national priorities for sustainable development and current sectoral strategies, while, on the other, it determines a potential pathway for economic development with due account of the goals for the state policy on emission reduction and greenhouse gases absorption⁴⁰. Therefore, it is mainly seen as an instrument for public administration and shaping of climate responsible behavior of businesses and citizens. On 18 July 2018, Government of Ukraine sent the LEDS to the Secretariat of the UNFCCC, which was later posted on the website of the Secretariat. By this, Ukraine demonstrated its commitment to combat global climate change and meet relevant non-mandatory requirements of the Paris Agreement in order to pursue the Climate Action Sustainable Development Goal. However, since then no legislative tool to implement this Strategy has been developed. Thus, LEDS was not enshrined in any of the legislative acts, and, in fact, is of a recommendatory nature only.

Energy Strategy of Ukraine up to 2035 (ESU 2035) and is a policy document, adopted by the Government of Ukraine in 2017, which outlines strategic guidelines for the development of Ukraine's fuel and energy complex for the period up to 2035.⁴¹ It aims at reducing the energy intensity of the economy, as well as diversifying sources and routes of energy supply, and increasing domestic production. This is expected to increase the economic, energy and environmental security, which will lead to optimization of the energy balance and create a solid foundation for the country's sustainable energy future. Remarkably, ESU 2035 envisages the completion of energy sector reform by 2025 to allow its integration with the energy sector of EU. Consequently, strategic objective shall be to create basis

³⁸ Action Plan 2017.

³⁹ Taking into consideration international obligations of Ukraine LEDS 2017 is aimed at supporting a global target on stabilization of greenhouse gases concentration in accordance with the scenario of global average temperature increase confinement to well below 2°C of pre-industrial level.

⁴⁰ FAOLEX 'FAOLEX Database: Ukraine (National Level)' (*Fao.org*, 2017)
<<http://www.fao.org/faolex/results/details/en/c/LEX-FAOC181201/>> accessed 23 April 2021.

⁴¹ ESU 2035.

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for the sustainable development of a competitive economy and an integral part of the European energy sector. However, ESU is currently criticised for its inconsistency and inability to meet the real challenges of the present. In particular, it is considered to be developed not on the basis of market modeling, but on the basis of expert opinions, which does not give accurate forecasts. Additionally, ESU fails to deal with the existing model of State's support for renewable energy sources in Ukraine, according to which the State buys all 'green' electricity, the price of coal and nuclear generation is distorted, and there is no competition on the energy market.⁴²

The development of all the above strategic documents demonstrates a strongly positive trend. However, thorough analysis of their provisions reveals the following drawbacks. Firstly, it is an exclusively declarative nature of all the strategic acts, which tend to be left on paper and never get implemented. The report of Ukrainian Government on yearly progress in the sphere of environmental protection (from autumn 2019 till autumn 2020) showed that it mainly consists of strategies and plans (either already developed or still in process of their development) and few legislative acts entering into force not earlier than 2021.⁴³ Unfortunately, this looks more like the imitation of work that can be reported to international partners rather than the real progress.

Secondly, it is the lack of integration of climate change issues into other sectoral State strategies, as climate policy is strongly interconnected with a number of areas. In this context, it is worth noting that the vast majority of the world economy relies on energy sources or production technologies that release greenhouse gases at almost every stage of production, transportation, storage, supply and disposal. Consequently, this close interaction between climate change and economic viability affects almost all aspects of the national economy. Thus, climate policy issues cover the energy sector and energy efficiency, in particular, environmental protection, utilities, agriculture and food industry, construction and urban planning in the context of adaptation to climate change, health, water, forestry and transport, land issues, waste management, etc. However, climate issues are not taken into account in the agenda of the Ministry of Economy or the Ministry of Finance. The same applies to the agricultural sector, by which the risks should be assessed, and recommendations developed on how to organize its activities in consideration of climate change impact. It is also reasonable to integrate climate issues into the public health sector. This is

⁴² Oksana Rasulova, 'Paperovi Obitsyanky. Yakoyu Ye Klimatychna Polityka Ukrayiny' (LB.ua, 2021) <https://rus.lb.ua/society/2021/04/12/482087_paperovi_obitsyanki_yakoyu_ie_klimatichna.html> accessed 15 April 2021.

⁴³ Cabinet of Ministers of Ukraine, 'Kabinet Ministriv Ukrayiny - Yevropeys'ki Kolehy Vidznachyly Prohres Ukrayiny U Sferi Zakhystu Dovkillya Ta Klimatychnij Politytsi' (Kmu.gov.ua, 2020) <<https://www.kmu.gov.ua/news/yevropejski-kolegi-vidznachili-progres-ukrayini-u-sferi-zahystu-dovkillya-ta-klimatichnij-politici>> accessed 11 April 2021.

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due to the fact that following questions should be foreseen and regulated: how does climate change affect public health? What diseases can be spread and how the burden on the health system would increase as a result of climate change? All of these must be taken into account in order to reduce future social and economic losses. There is also a big gap in social policy of Ukraine as it does not take into account how the climate crisis is deepening social injustice among vulnerable groups.

This problem was also highlighted by the report of the Ukrainian side of the EU-Ukraine Civil Society Platform, which stated that the crosscutting and integral character of a climate policy is the basis of its successful implementation.⁴⁴ Thus, the report substantiates that the climate policy should be implemented by taking climate change into account in all strategic documents and by coordinating climate change action taken by all central executive agencies.

Thirdly, there are no legislative acts to define State governance in the area of adaptation to climate change in Ukraine. It is worth mentioning that a draft National Plan for Adaptation to Climate Change for the period up to 2020 was developed in 2001, in pursuance of the national action plan for the implementation of the Kyoto Protocol to the UN Framework Conference on Climate Change. However, it was not adopted.

An attempt to develop regulatory act on adaptation to climate change has been repeated recently in pursuance of the updated National Security Strategy from 14 September 2020⁴⁵, which points out that the ability to adapt the economy, livelihoods and civil protection to climate change is currently inefficient. Thus, following the goal of reducing the impact of climate change and increasing the level of environmental safety in Ukraine, the draft Strategy for Environmental Security and Climate Change Adaptation was posted on the official website of the Ministry of Environmental Protection and Natural Resources of Ukraine on 1 March 2021 for further public discussion⁴⁶. According to the draft, the objectives of the Strategy include, *inter alia*, creation of organizational preconditions and scientific and methodological support for the implementation of the State policy of adaptation to climate change. Meanwhile, improving the regulatory and

⁴⁴ Taras Bebesko and others, 'Climate Change in the Context of Paris Agreement Commitments: Challenges and Cooperation Opportunities for the EU and Ukraine' (UA CSP 2018).

⁴⁵ Ministry of Environmental Protection and Natural Resources of Ukraine, 'Povidomlennya Pro Oprylyudnennya Proyecktu Rozporyadzhennya Kabinetu Ministriv Ukrayiny "Pro Skhvalennya Stratehiyi Ekolohichnoyi Bezpeky Ta Adaptatsiyi Do Zminy Klimatu Do 2030 Roku"' (*Mepr.gov.ua*, 2021) <<https://mepr.gov.ua/news/36922.html>> accessed 11 April 2021.

⁴⁶ Ministry of Environmental Protection and Natural Resources of Ukraine, 'Povidomlennya Pro Oprylyudnennya Proyecktu Rozporyadzhennya Kabinetu Ministriv Ukrayiny "Pro Skhvalennya Stratehiyi Ekolohichnoyi Bezpeky Ta Adaptatsiyi Do Zminy Klimatu Do 2030 Roku"' (*Mepr.gov.ua*, 2021) <<https://mepr.gov.ua/news/36922.html>> accessed 11 April 2021.

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legislative basis for adaptation activities and fulfillment of relevant international obligations is identified among the priority tasks of the Strategy. However, the draft does not mention the development of a framework legal act in the sphere of climate change mitigation and adaptation, which is already seen as a weak point of the Strategy.

Considering all the above mentioned, it can be concluded that the current climate State policy of Ukraine shows the lack of coordination between the policy and the legislative and other regulatory acts in the climate change sphere. Therefore, Ukraine has no officially adopted legal act that would define the goals, objectives and ways of public policies aimed at reducing emissions and increasing removals of greenhouse gases in Ukraine and adapting the country to climate change. This additionally substantiates the urgency of adopting framework legal act on the prevention of and adaptation to climate change, which was highlighted in the second part of the present article.

4. DEVELOPING CLIMATE CHANGE LEGISLATIVE FRAMEWORK AND POLICY OF UKRAINE IN THE CONTEXT OF IMPLEMENTING EUROPEAN GREEN DEAL

According to the Association Agreement between European Union and its members and Ukraine (hereinafter the Association Agreement), it is assumed that Ukraine develops and strengthens cooperation with European countries, *inter alia*, in the sphere of climate change, thereby, contributing to the long-term goals of sustainable development and the green economy.⁴⁷ Therefore, ensuring the implementation of the provisions of the Association Agreement is identified as one of the main directions of State climate policy of Ukraine.⁴⁸ Climate commitments are set out in the section on economic cooperation (Chapter 6 'Environment'), which provides for institutional reforms in the field of environmental protection. Approximation of Ukrainian legislation to the European one is determined by the regulations and directives of Annex XXX of the Agreement. Two main spheres are identified: reducing greenhouse gas emissions and preventing the destruction of ecosystems. Thus, the areas of cooperation on climate change include the development of an action plan for mitigation of and adaptation to climate change as well as and implementation of long-term measures to reduce greenhouse gases emissions (Annex XXXI to the Agreement). In addition, the Association Agreement includes energy transition and decarbonisation policies, which should allow Ukraine to follow the path towards a low greenhouse gas emissions economy, which is the vital part of

⁴⁷ Article 365 lists 'development and implementation of a policy on climate change, in particular as listed in Annex XXXI to this Agreement'. Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part [2014] OJ L161/5.

⁴⁸ Environmental Strategy 2019.

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climate policy and a vector of legislation development in the sphere of climate change mitigation.

However, European Commission's report on implementation of the Association Agreement from 27 November 2020 identified overall poor performance in environmental and climate spheres and stated that 'reform progress has been slow in relation to climate change'.⁴⁹ Among a set of underlying reasons, this article substantiates that it is the lack of proper legal regulation in the sphere of climate change and the absence of a framework regulatory act of national legislation that is to be considered as a fundamental problem.

Therefore, number of studies and overviews have paid attention to the problems of implementing international obligations that are not further embodied in the national legislation. For instance, the position paper on prospects of updating and amending the Association Agreement regarding environmental and climate change spheres pointed out that implementation of EU climate change law by Ukraine, which is not a member-State of the EU, has had a set of challenges. Among them the fact that national legislation of Ukraine does not have a legal provision enabling a possibility for direct effect of the EU regulations in Ukraine is highlighted. Additionally, it is mentioned that neither the Association Agreement, nor other bilateral or national instruments provide for a mechanism to review transposition into national legislation and implementation of the EU secondary legislation in Ukraine.⁵⁰

In the end of 2019, the European Commission officially declared that climate change is a top priority for the EU by adopting the European Green Deal⁵¹ (hereinafter EGD), that is a roadmap of actions aimed at transforming Europe into the world's first climate-neutral continent by 2050 with the help of building an efficient, sustainable and competitive economy. In the beginning of 2020, the Government of Ukraine announced the intention to join the European Green Deal, taking into account the need to form a State policy in Ukraine that would consider today's environmental and climate challenges.⁵² Ukraine's participation in EGD is likely to become a bilateral process, in which Ukraine should share the ambitious agenda of the EU, and

⁴⁹ High Representative of the Union for Foreign Affairs and Security Policy, 'Association Implementation Report on Ukraine' (European Commission 2020) <https://eeas.europa.eu/sites/default/files/2020_ukraine_association_implementation_report_final.pdf> accessed 28 March 2021.

⁵⁰ Resource & Analysis Center "Society and Environment", *Updating and Amending Annexes XXX and XXXI to the Association Agreement Between the European Union and Ukraine (Environment and Climate Change)* (2019) <<https://www.rac.org.ua/uploads/content/549/files/aaupdate2019eng.pdf>> accessed 9 April 2021.

⁵¹ Commission, 'The European Green Deal' (Communication) COM (2019) 640 final

⁵² Ministry of Environmental Protection and Natural Resources of Ukraine, 'Prezentatsiya "Doluchennya Ukrayiny Do Initsiatyvy "Yevropeys'kyy Zelenyy Kurs"' (Mepr.gov.ua, 2021) <<https://mepr.gov.ua/news/36702.html>> accessed 10 April 2021.

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the EU should take into account the obligations under the Association Agreement in policy-making according to the EGD.

Several policy papers and overviews regarding perspectives and challenges of implementing the EGD by Ukraine have highlighted that the EGD creates a wide space for mutually beneficial synchronization of Ukraine's policy and legislation with relevant EU policies and legislation.⁵³ However, no progress in this sphere has been made yet. In particular, the action plan for implementing EGD (Roadmap for Ukraine within EGD) has not been developed as well as no legal or regulatory acts for EGD's implementation have been drafted.

It is worth mentioning that in 2019 the European Union launched a regional initiative called EU4Climate, aiming to support the six Eastern Partnership countries (including Ukraine) to develop and implement climate-related policies based on the countries' commitments under the Paris Agreement, the Association and Partnership Agreements with the EU, the Eastern Partnership policy initiative '20 Deliverables for 2020' and the UN 2030 Agenda for Sustainable Development.⁵⁵ While the EU4Climate initiative aims to help Ukraine adopt climate change mitigation and adaptation measures to achieve greenhouse gas emission reductions and manage the effects of climate change and should include the technical support for implementing EGD⁵⁶, it is currently on the stage of forming the basis for developing a National Adaptation Strategy for Ukraine, with no legislation to be developed and adopted yet.

It should be highlighted that the Ministry of Environmental Protection and Natural Resources of Ukraine has published a draft of the second National Determined Contributions (NDC) of Ukraine to the Paris Agreement, which aims to reduce greenhouse gas emissions by 65% in 2030 compared to 1990.⁵⁷ By this Ukraine has declared its intention to pursue carbon neutrality as a long-term goal, that is indicated to be achieved

⁵³ Andriy Andrushevych and others, *European Green Deal: Shaping the Eastern Partnership Future. Environmental Policy of The Eastern Partnership Countries Under The EGD. Policy Paper*. (Resource and Analysis Center "Society and Environment" 2020) <<https://www.rac.org.ua/uploads/content/593/files/webeneuropean-green-dealandeapen.pdf>> accessed 10 April 2021.

⁵⁴ Resource and Analysis Center "Society and Environment", *Mapping of Strategic Targets of Ukraine and the EU in the Context of The European Green Deal: Development - Vectors and Flagship Initiatives. Policy Paper* (2021) <<https://www.rac.org.ua/uploads/content/615/files/mappingeuropean-green-deal2021en.pdf>> accessed 10 April 2021.

⁵⁵ 'Home Page - Eu4climate' (EU4Climate, 2019) <<https://eu4climate.eu>> accessed 10 April 2021.

⁵⁶ EU4Climate, 'Climate Policy Development and Advancing Cooperation with the EU in Ukraine' (2021) <<https://eu4climate.eu/wp-content/uploads/countries/EU4Climate-UKRAINE.pdf>> accessed 10 May 2021.

⁵⁷ Ministry of Environmental Protection and Natural Resources of Ukraine 'Prezentatsiya "Druhyy Natsional'no Vyznachenny Vnesok Ukrayiny Do Paryz'koyi Uhody (NVV2)" (Mepr.gov.ua, 2021) <<https://mepr.gov.ua/news/36500.html>> accessed 20 April 2021.

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through aligning climate policy and legislation with the EGD. It is believed that the implementation of the draft act will contribute, in particular, to the decarbonisation of the economy in such key sectors as electricity and heat production, construction, industry, transport, and the achievement of a carbon-neutral economy by 2060. However, the declared NDC has already fallen under the substantiated experts' criticism, *inter alia*, as not ambitious enough. Thus, a more ambitious goal of reducing greenhouse gas emissions to 70% by 2030 compared to 1990 is advised to be set.⁵⁸

In summary, it should be stated that in order to implement the EGD, which provides for the transformation of all sectors of the economy to reduce greenhouse gas emissions, Ukraine must pursue a consistent not only climate but also energy and economic policies, strictly adhere to strategies and take into account the suggestions of legal scholars. The harmonization of domestic legislation and policy with the European Union creates the grounds for ensuring the gradual integration of the environmental component into various spheres of public life, which will contribute to the implementation of effective measures to combat climate change.

5. CONCLUDING REMARKS

The absence of legal definition of climate as an object of law slows down the process of developing and ensuring effective measures for combating climate change in Ukraine. The prevalence of declarative strategic acts and the absence of a framework legal act in this sphere demonstrates that the domestic legislative framework on climate change is underdeveloped and ineffective. This, combined with inconsistent and non-integrated climate change policy, makes it complicated, if not impossible, to ensure effective mechanisms for climate change mitigation and adaptation.

Consequently, the development of fully-fledged environmental legislation on climate is of fundamental importance for Ukraine. The author suggests that such development shall be carried out with the following steps: filling gaps in the current environmental legislation, e.g., by introducing the legal definition of the climate as an object of legal protection; improving current national legislation on international commitments and obligations of Ukraine under international climate change framework and European Green Deal, in particular; developing and adopting a framework legal act (e.g., Climate Law of Ukraine) in the sphere of climate change, which shall be aimed at the developing legal measures to achieve net zero greenhouse gas emissions, protect the natural environment and Ukrainian citizens from the adverse impacts of climate change. These improvements, accompanied by

⁵⁸ Volodymyr Omelchenko, 'Ukraine's Projected 2Nd Nationally Determined Contributions (NDC2): Is it Possible to Achieve More Ambitious Goals at a Lower Cost?' (*Razumkov.org.ua*, 2021) <<https://razumkov.org.ua/en/articles/ukraines-projected-2nd-nationally-determined-contributions-ndc2-is-it-possible-to-achieve-more-ambitious-goals-at-a-lower-cost>> accessed 10 April 2021.

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ensuring integration of climate change issues into all spheres of state policy can create the grounds for Ukraine to become an economically successful and carbon-neutral State.

REFERENCES

- Andrusevych A and others, *European Green Deal: Shaping the Eastern Partnership Future. Environmental Policy of The Eastern Partnership Countries Under The EGD. Policy Paper*. (Resource and Analysis Center "Society and Environment" 2020) <<https://www.rac.org.ua/uploads/content/593/files/webeneurope-an-green-dealandeapen.pdf>> accessed 10 April 2021
- Anisimova H, 'Pravove Zabezpechennya Okhorony Atmosfernoho Povitrya, Ozonovoho Sharu ta Klimatu' in AP Getman and others (eds), *Pravova okhorona dovkillia: suchasnyy stan ta perspektyvy rozvytku: monohrafiya* (Pravo 2014).
- Bebeshko T and others, 'Climate Change in the Context of Paris Agreement Commitments: Challenges and Cooperation Opportunities for the EU and Ukraine' (UA CSP 2018)
- Bodansky D, Brunnée J, and Rajamani L, *International Climate Change Law* (Oxford University Press 2017)
- Climate Action Tracker 'Ukraine | CAT' (*Climateactiontracker.org*, 2020) <<https://climateactiontracker.org/countries/ukraine/>> accessed 12 April 2021
- Compliance Committee of the Kyoto Protocol, 'Non-Compliance Procedure of Ukraine under the Kyoto Protocol - Climate Change Litigation' (*Climate Change Litigation*, 2010) <<http://climatecasechart.com/climate-change-litigation/non-us-case/non-compliance-procedure-of-ukraine-under-the-kyoto-protocol/>> accessed 11 April 2021
- Compliance Committee of the Kyoto Protocol, 'Non-Compliance Procedure of Ukraine under the Kyoto Protocol II - Climate Change Litigation' (*Climate Change Litigation*, 2016) <<http://climatecasechart.com/climate-change-litigation/non-us-case/non-compliance-procedure-of-ukraine-under-the-kyoto-protocol-ii/>> accessed 11 April 2021
- Dernbach J, and Kakade S, 'Climate Change Law: An Introduction' (2008) 29 *Energy Law Journal* <<http://johndernbach.com/wp-content/uploads/2013/08/DernbachKakade-ClimateChangeLawIntro2008.pdf>> accessed 21 April 2021
- EU4Climate, 'Climate Policy Development and Advancing Cooperation with the EU in Ukraine' (2021) <<https://eu4climate.eu/wp-content/uploads/countries/EU4Climate-UKRAINE.pdf>> accessed 10 May 2021

The Legal Regulation of Climate Change in Ukraine: Issues and Prospects

- FAOLEX 'FAOLEX Database: Ukraine (National Level)' (*Fao.org*, 2017)
<<http://www.fao.org/faolex/results/details/en/c/LEX-FAOC181201/>> accessed 23 April 2021
- High Representative of the Union for Foreign Affairs and Security Policy, 'Association Implementation Report on Ukraine' (European Commission 2020)
<https://eeas.europa.eu/sites/default/files/2020_ukraine_association_implementation_report_final.pdf> accessed 28 March 2021
- Ivanyuta S and others, 'Zmina Klimatu: Naslidky Ta Zakhody Adaptatsiyi: Analit. Dopovid' (National Institute for Strategic Studies 2020)
<https://niss.gov.ua/sites/default/files/2020-10/dop-climate-final-5_sait.pdf> accessed 8 April 2021
- Krasnova M, 'Stan ta Perspektyvy Rozvytku Vchennya Pro Ob'yekty Ekolohichnoho Prava: Naukovo-metodolohichni Aspekty' (2013) 2 Bulletin of Taras Shevchenko National University of Kyiv. Legal Studies 8
- Malysheva N, 'Novi Horyzonty Ekolohichnoho Prava', *Modern tendencies and prospects of development of agrarian, land and environmental law* (Publishing Center of NULES of Ukraine, Kiev, 22–23 May 2015)
- Ministry of Environmental Protection and Natural Resources of Ukraine 'Prezentatsiya "Druhyy Natsional'no Vyznachenyy Vnesok Ukrayiny Do Paryz'koyi Uhody (NVV2)"' (Mepr.gov.ua, 2021)
<<https://mepr.gov.ua/news/36500.html>> accessed 20 April 2021
- NDC Registry, 'Party: Ukraine' (*Www4.unfccc.int*, 2016)
<<https://www4.unfccc.int/sites/NDCStaging/pages/Party.aspx?party=UKR>> accessed 11 April 2021
- Omelchenko V, 'Ukraine's Projected 2nd Nationally Determined Contributions (NDC2): Is it Possible to Achieve more Ambitious Goals at a Lower Cost?' (*Razumkov.org.ua*, 2021)
<<https://razumkov.org.ua/en/articles/ukraines-projected-2nd-nationally-determined-contributions-ndc2-is-it-possible-to-achieve-more-ambitious-goals-at-a-lower-cost>> accessed 10 April 2021
- Peel J, 'Climate Change Law: The Emergence of a New Legal Discipline' (2008) 32 Melbourne University Law Review 922
- Prokhorenko K, 'Climate as an Object of Legal Environmental Protection in Ukraine' (PhD thesis, Taras Shevchenko National University of Kyiv 2013)
- Rasulova O, 'Paperovi Obitsyanky. Yakoyu Ye Klimatychna Polityka Ukrayiny' (*LB.ua*, 2021)
<https://rus.lb.ua/society/2021/04/12/482087_paperovi_obitsyanky_yakoyu_ie_klimatichna.html> accessed 15 April 2021
- Resource & Analysis Center "Society and Environment", *Updating and Amending Annexes XXX and XXXI to the Association Agreement between the European Union and Ukraine (Environment and Climate Change)* (2019)

The Legal Regulation of Climate Change in Ukraine: Issues and Prospects

- <<https://www.rac.org.ua/uploads/content/549/files/aaupdate2019eng.pdf>> accessed 9 April 2021
- Resource and Analysis Center "Society and Environment", *Mapping of Strategic Targets of Ukraine and the EU in the Context of the European Green Deal: Development Vectors and Flagship Initiatives. Policy Paper* (2021)
<<https://www.rac.org.ua/uploads/content/615/files/mappingeuropean-green-deal2021en.pdf>> accessed 10 April 2021
- Ruhl J, and Salzman J, 'Climate Change Meets the Law of the Horse' [2012] SSRN Electronic Journal
<<https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=3376&context=dlj>> accessed 19 April 2021
- UN General Assembly 'Transforming our world: the 2030 Agenda for Sustainable Development' (21 October 2015) A/RES/70/1
<<https://www.refworld.org/docid/57b6e3e44.html>> accessed 26 March 2021
- USAID, 'Climate Change Risk Profile Ukraine: Fact Sheet' (2016)
<https://www.climatelinks.org/sites/default/files/asset/document/2016_USAID_Climate%20Change%20Risk%20Profile_Ukraine.pdf> accessed 26 March 2021

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